

REMARKS

Claims 1-5 and 14-18 are cancelled herein without prejudice or disclaimer, and Applicants request entry of new claims 24-35. The specification provides basis for the new claims throughout, such as in paragraphs 143 and 213, Example 8 starting on page 84 and Example 5 starting on page 78, for example. Accordingly, claims 24-35 add no prohibitive new matter.

Rejections of Claims Under 35 U.S.C. §112

Claims 1-5 and 14-18 were rejected under 35 U.S.C. §112, first paragraph, for alleged lack of enablement. This rejection is moot in view of the cancellation of these claims, and the rejection is not applicable to new claims 24-35 as they are fully enabled by the specification. The specification provides a general description for the claimed methods and provides specific working examples, e.g., Example 8 provides cellular assays for assessing fat reduction and Example 5 provides an *in vivo* model for assessing fat reduction and NIDDM symptoms. These features, and the fact the level of skill of the ordinary artisan is high, evidence the new claims are enabled by the specification.

The rejection of claims 1 and 14 under 35 U.S.C. §112, second paragraph, also is moot in view of the cancellation of these claims, and the rejection is inapplicable to the new claims. Thus, Applicants respectfully request the Office withdraws the rejections under 35 U.S.C. §112.

Rejections of Claims Over Cited Documents

Claims 1, 3, 14 and 16 were rejected under 35 U.S.C. §102(e) in view of Lazdunski (US 2003/0073087 A1). This rejection is moot due to the cancellation of claims 1-5 and 14-18. The rejection also is inapplicable to the new claims: Lazdunski does not disclose a method in which a test molecule is assessed for reducing fat deposition (i.e., claims 24-28) or modulating a NIDDM symptom (i.e., claims 29-35).

The Office also rejected claims 1-5, 14-16 and 18 under 35 U.S.C. §103(a) over Lazdunski in view of Kazemi (WO 2002/12562A2). The rejection is moot due to the

cancellation of these claims, and the cited combination does not render the methods of the new claims *prima facie* obvious. Lazdunski does not teach or suggest a method in which a test molecule is assessed for reducing fat deposition or modulating a NIDDM symptom. Kazemi fails to remedy this deficiency of Lazdunski as it also does not teach or suggest these features of the pending claims.

There also was no motivation to combine Lazdunski with Kazemi as the documents are directed to different classes of PLA2 molecules. Lazdunski is directed to a PLA2 class IIF molecule and Kazemi is directed to a PLA2 class IB molecule. Lazdunski highlights unique features of the described class IIF molecule in paragraph 13: the class IIF molecule has a long, proline-rich C-terminal extension with an odd cysteine, has a very low pI value, is located on a different chromosome, and it hydrolyzes phosphatidylglycerol preferentially over phosphatidylcholine. Accordingly, there was no motivation to combine Lazdunski with Kazemi.

The combination of Lazdunski and Kazemi thus fails to teach or suggest the newly claimed methods and there was no motivation to combine the documents. The new claims therefore are inventive, and not *prima facie* obvious, over the combination of cited documents. In view of the foregoing, Applicants respectfully request that the Office withdraw the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a).

CONCLUSIONS

Applicants respectfully assert that claims 24-35 are in condition for allowance. Applicants request that the Examiner call the undersigned for any reason that would advance prosecution of the instant patent application.

In the unlikely event the transmittal letter is separated from this document and the Office determines that an extension and/or other relief is required, Applicants petition for any required relief, including extensions of time, and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-3473**.

Respectfully submitted,

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